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New York

SUMMARY RECORD OF THE 13th MEETING

Chairman:	Mr. LAMPTEY	(Ghana)
later:	Mr. MADEJ (Vice-Chairman)	(Poland)
later:	Mr. LAMPTEY (Chairman)	(Ghana)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 142: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM (continued) (A/49/257 and Corr.1 (French only) and Add.1 and 2; A/C.6/49/L.1; A/49/287-S/1994/894, A/49/422-S/1994/1086, A/49/498-S/1994/1150 and A/49/510-S/1994/1158)

1. Mr. MARTENS (Germany), speaking on behalf of the European Union and Austria, reiterated his support for General Assembly resolution 46/51 of 9 December 1991, on "Measures to eliminate international terrorism". No cause, however legitimate, could justify acts of terrorism; furthermore, terrorist acts could only detract from such a cause, negatively affect relations among States and jeopardize the international order.

2. He condemned the recent act of terrorism perpetrated in the centre of Tel Aviv, the latest of a number of equally despicable acts, such as the explosion at the headquarters of the Argentine Jewish Mutual Association in Buenos Aires on 18 July and the attack against the Israeli Embassy in London on 26 July, which had left many victims in their wake. In the statement by its President on 29 July 1994 (S/PRST/1994/40), the Security Council had condemned the terrorist attacks in Buenos Aires and London and had demanded an immediate end to all terrorist activities. The European Union and Austria deplored and condemned those attacks and trusted that no State or Government had been involved in their planning or perpetration.

3. On several occasions the Security Council had had to address such criminal terrorist practices as the taking of hostages, the bombing of urban centres and political assassinations. It had adopted resolution 635 (1989), in which it voiced its deep concern at all acts of unlawful interference against the security of international civil aviation, such as the attacks against Pan Am flight 103 and UTA flight 772, which had resulted in the loss of 400 lives. It was vital to reaffirm once again Security Council resolutions 731 (1992), 748 (1992) and 883 (1993).

4. Given the frequency and gravity of terrorist activities world wide, States must continue to coordinate their responses to terrorism as closely as possible in order to combat it effectively. Information exchange and close cooperation would strengthen the capacity of Governments to prevent acts of terrorism and to apprehend and prosecute or extradite suspected perpetrators. The campaign against terrorism must be based on respect for international law, including international human rights instruments, thereby contributing to the progressive elimination of the causes underlying such acts. More States must be encouraged to accede to conventions against terrorism, in particular those mentioned in the fourth preambular paragraph of General Assembly resolution 46/51. Only that would help ensure that the perpetrators of terrorist acts would not find refuge in any State.

5. Mr. SMEJKAL (Czech Republic) reaffirmed his categorical opposition to any forms or manifestations of international terrorism, adding that no explanation

of a social or economic nature could justify or legitimize that crime. Terrorism was on the increase, despite momentous changes in recent years, and there was increasing evidence of the interdependence between terrorism and other criminal acts, such as drug trafficking, the arms traffic and the smuggling of nuclear material.

6. In combating terrorism the international community could already draw on a number of international, regional and bilateral legal instruments; at the global level there were some 10 international conventions, which, despite their sectoral nature, were sufficiently flexible to allow for truly universal participation. He also noted recent events in international law, such as the elaboration of an international convention dealing with the safety and security of United Nations and associated personnel, to which the Czech Republic had made an active contribution. The relevant Working Group had completed the text of the draft convention, which he hoped would be favourably received.

7. At the same time, he doubted the usefulness of convening a conference to consider the issue of international terrorism or the establishment of a working group for that purpose, in view of the problems which would arise in formulating a comprehensive definition of international terrorism. Most likely, opinions would differ on criteria for the distinction between international terrorism and the activities of national liberation movements. On the other hand, support should be given to the draft declaration on measures to eliminate international terrorism.

8. The essential factor in the campaign against international terrorism was the political will and determination of States. States must refrain from giving any form of support to terrorist activities and must endeavour instead to strengthen international cooperation in combating such acts, so that their perpetrators would be unable to seek refuge behind inter-State frontiers.

9. Mr. Madej (Poland) took the Chair.

10. Mr. ORDZHONIKIDZE (Russian Federation) conveyed, on behalf of the States of the Commonwealth of Independent States, condolences to the people and Government of Israel on the recent terrorist attack in Tel Aviv and expressed his vigorous condemnation of that act. Grave concern was caused by the resurgence of terrorist activities around the world, which undermined the principles of the Charter of the United Nations, had a negative impact on international relations, jeopardized the security of States, destabilized their domestic policies and impeded economic and social development, since the perpetrators of those acts would resort to any form of intimidation, destruction and pressure in pursuit of their aims. The internationalization of modern terrorism directly affected the international community and placed that issue among the major problems of the end of the twentieth century, along with arms smuggling and trafficking, the degradation of the environment and acquired immunodeficiency syndrome (AIDS). He noted the increasingly close links between terrorism and drugs trafficking, links which flourished in a climate of armed conflict and political instability. For their part, the States of the Commonwealth of Independent States had set

about establishing a system of protective measures to combat drug trafficking, based on judicial assistance agreements and mechanisms.

11. The States of the Commonwealth of Independent States vigorously condemned terrorism in all its forms and stressed the need for intensified anti-terrorism measures and international cooperation within the United Nations. The ending of the cold war and of East-West confrontation had opened up positive prospects in that regard. The time had come to put into practice the anti-terrorism measures promoted by the United Nations, unobstructed by political or ideological considerations. To that end, there was an urgent need to strengthen the international legal framework for the campaign against terrorism. Accordingly, more States should endorse the relevant multilateral instruments, including the draft statute for an international criminal court and the draft Code of Crimes against the Peace and Security of Mankind.

12. Nuclear terrorism was another issue of concern, as evidenced by the recent cases of the smuggling of radioactive material. States should cooperate in elaborating an instrument to prohibit and punish terrorist acts perpetrated with nuclear arms and material, together with a document on measures for the protection of chemical and biological material against terrorist attacks.

13. International recommendations on a mechanism for reciprocal assistance among States for the apprehension and detention of criminals should be elaborated on the basis of international conventions dealing with the various manifestations of terrorism. A model agreement on international cooperation in combating terrorism could be drafted in the United Nations Committee on Crime Prevention and Criminal Justice.

14. There should also be closer cooperation between the United Nations and the appropriate specialized agencies, such as the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO) and the International Atomic Energy Agency (IAEA), through the establishment, within the Secretariat, of a Unit responsible for inter-State coordination of the political, legal and technical aspects of the campaign against terrorism. That would make possible the creation of a global system for monitoring terrorist activities, the preparation of a comprehensive analysis of the phenomenon and the elaboration of useful mechanisms for all States. To that end, the United Nations could, for example, organize regional and international symposiums for the heads of national anti-terrorism bodies, prepare studies on the implementation of the appropriate conventions, the prosecution of terrorists and the sentences handed down, draw up a list of laws and national, regional and bilateral agreements on the topic and provide technical assistance to States in combating terrorism.

15. There was also a need for action by the international community to heighten public awareness of the harmful nature of terrorism, which should be considered a crime and punished as such. To that end, the mass media could organize a world-wide information campaign to mobilize public opinion. That proposal could form the subject of a recommendation to be prepared by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

16. In conclusion, the Commonwealth of Independent States hoped that the United Nations, at its current session, would adopt a strong decision on the establishment of a mechanism for constructive cooperation among States in combating terrorism.

17. Mrs. FLORES (Uruguay) said that terrorism, because of its transnational character, was harmful to individuals, States and the international community.

18. Over the years terrorism had been condemned in General Assembly resolutions, recommendations of the Ad Hoc Committee on International Terrorism, annual reports of the Secretary-General and Security Council debates and decisions. Noteworthy, too, was the work of the International Law Commission (ILC) on the draft Code of Crimes against the Peace and Security of Mankind, article 24 of which referred to international terrorism, and on the draft statute for an international criminal court.

19. At the regional level the matter had been dealt with in the Declaration of São Paulo and in the declaration adopted by the eighth Presidential Meeting of the Rio Group, which strongly condemned all terrorist attacks and called upon the international community to combat them.

20. Uruguay strongly condemned all forms of terrorism and had ratified a series of international conventions dealing with various aspects of the issue. In that connection, it was essential to increase international cooperation in the area of prevention, for which purpose it was important to exchange information. Cooperation should also be strengthened at the regional and subregional levels among national anti-terrorism bodies by creating data banks, harmonizing domestic legislation with a view to the effective application of universally accepted principles and norms, and, in the framework of the United Nations system, setting up a centre for issues relating to terrorism and conducting research on comparative law.

21. Uruguay had no objection to the convening of an international conference to elaborate a convention which would define terrorism and examine its causes especially since that did not rule out the adoption of urgent measures or cooperation among States to prevent terrorist acts, in accordance with General Assembly resolution 48/122 and decision 48/411. As long as delegations had not reached a consensus in that regard, it was best to adopt specific measures which would consolidate issues on which there was agreement and contribute to the elaboration of an instrument acceptable to the entire international community.

22. Mr. Lamptey (Ghana) resumed the Chair.

23. Mr. GUILLÉN SALAS (Peru) said it was unfortunate that terrorism and the human rights violations to which it gave rise were increasing more rapidly than the measures adopted by the international community to combat it.

24. In its resolution 48/122 of 20 December 1993, the General Assembly had unequivocally condemned all acts of terrorism, noting their impact on respect for human rights. Nevertheless, in view of the proliferation of terrorist acts

in various parts of the world, the General Assembly should adopt a broad, comprehensive declaration in which it would condemn, as criminal and unjustifiable, all acts, methods and practices of terrorism, wherever and by whomever committed. No cause, reasoning or pretext of a political, religious, ideological or any other nature, could be invoked to justify terrorism. There were no justifiable acts of terrorism, and any text which implied a distinction between those acts or any proposal in that direction would be unacceptable.

25. Peru was successfully completing the process of eradicating a genocidal, unpopular movement which had resulted in loss of human life and property; that would not, however, cause it to forget how important it was for the international community to recognize the right to self-defence of any people attacked in that manner. Human rights crimes and violations in Peru had been denounced by major human rights organizations in the country and by other non-governmental human rights organizations such as Amnesty International.

26. It was to be hoped that Member States which were sincerely committed to defending the purposes and principles of the Charter of the United Nations would speak out in such a fashion and would define their position before the international community.

AGENDA ITEM 157: QUESTION OF CRITERIA FOR THE GRANTING OF OBSERVER STATUS IN THE GENERAL ASSEMBLY (continued)

27. The CHAIRMAN, referring to the establishment of the working group on the question of criteria for the granting of observer status in the General Assembly, announced that the working group would be composed of the following members: Argentina, Australia, Cameroon, China, France, Guyana, India, Nigeria, Poland, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, under the chairmanship of India (Vice-Chairman of the Committee). While any delegation was free to participate in the discussions, the working group would be responsible for drafting the document and submitting it to the Committee.

28. Mr. POLITI (Italy), supported by Mr. RABBANI (Pakistan), Mr. GARCÍA (Colombia) and Mr. MAIGA (Mali), said that while he understood the Chairman's reasons for suggesting the creation of a small working group to consider the question of the criteria, he would prefer an open-ended group so that all delegations could make their views known and reach a consensus on the issue. In the event that a restricted working group was set up, he wished to know if his country could become a member of it.

29. Mr. YOUSIF (Sudan), joined by Mr. MWANGI (Kenya) and Mr. ODEVALL (Sweden), said that he would like to know on what basis the members of the working group had been selected: his delegation had intended to join the group and had not been consulted.

30. Following a procedural debate in which Mr. CHATURVEDI (India), Mr. YOUSIF (Sudan), Ms. SAEKI (Japan), Ms. SEMGURUKU (United Republic of Tanzania), Mr. IBÁÑEZ (Peru), Mr. SIDI ABED (Algeria), Mr. CALERO RODRIGUES (Brazil),

Mr. NUBARAK (Egypt), Mr. MAIGA (Mali), Miss BOUM (Cameroon) and Mr. MARTENS (Germany) participated, the CHAIRMAN explained that in order to determine the composition of the working group, he had held consultations with the Bureau and with some delegations from the various regions, since he had not been bound to consult with all the delegations. He reiterated that any delegation could participate in the deliberations of the working group which, although restricted in membership, would give due regard to all views in the draft it would submit to the Committee. The procedure he had suggested was in accordance with the Committee's traditions. In any event, it was up to the Committee to decide, and as it appeared from the discussion that the majority of delegations preferred an open-ended group, he was prepared to withdraw his suggestion. Accordingly if he heard no objections, he would take it that the Committee wished to establish an open-ended working group, to be chaired by Mr. Chaturvedi (India).

31. It was so decided.

The meeting rose at 12.10 p.m.